

Austin, Texas,  
March 3, 1959.

To the Senate of the Fifty-sixth  
Legislature:

I ask the advice, consent and con-  
firmation of the Senate with respect  
to the following appointment:

To be a member of the State Board  
of Insurance, for a six-year term to  
expire January 31, 1965; Robert W.  
Strain of Austin, Travis County.

Respectfully submitted,

PRICE DANIEL,  
Governor of Texas.

#### Senate Resolution 148

Senator Gonzalez offered the fol-  
lowing resolution:

Whereas, We are honored today to  
have in the gallery of the Senate the  
eighth grade class of St. Martin's  
Hall of Our Lady of the Lake in San  
Antonio, Texas, accompanied by their  
teacher and sponsor Sister M. Louis-  
ette; and

Whereas, These students are on an  
educational tour of the Capitol Build-  
ing and the Capital City; and

Whereas, This fine group of young  
American citizens is here to observe  
and to learn at firsthand the work-  
ings of their State government; now,  
therefore, be it

Resolved, That we officially recog-  
nize and welcome these guests and  
commend them for their interest; and  
that a copy of this Resolution, prop-  
erly endorsed, bearing the official seal  
of the Senate, be mailed to them in  
recognition of their visit.

The resolution was read and was  
adopted.

Senator Gonzalez by unanimous  
consent presented the students and  
Sister Louisette to the Members of  
the Senate.

#### Senate Bill 256 Ordered Not Printed

On motion of Senator Dies and by  
unanimous consent S. B. No. 256 was  
ordered not printed.

#### Adjournment

On motion of Senator Hardeman  
the Senate at 11:35 o'clock a.m. ad-  
journed until 10:30 o'clock a.m. to-  
morrow.

#### TWENTY-EIGHTH DAY

(Wednesday, March 4, 1959)

The Senate met at 10:30 o'clock  
a.m. pursuant to adjournment, and  
was called to order by the President  
Pro Tempore.

The roll was called and the follow-  
ing Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

#### Absent—Excused

Fuller Owen

A quorum was announced present.

Reverend W. H. Townsend, Chap-  
lain, offered the invocation as follows:

"Our Heavenly Father, we would  
present our bodies a living sacrifice,  
holy, acceptable unto Thee, which  
is our reasonable service; praying  
that we be not conformed to this  
world, but transformed by the re-  
newing of our minds to that good, and  
acceptable, and perfect, will of Thine.  
We pray in Thy name. Amen.

On motion of Senator Aikin, and  
by unanimous consent, the reading  
of the Journal of the proceedings of  
yesterday was dispensed with and the  
Journal was approved.

#### Leaves of Absence

Senator Fuller was granted leave  
of absence for today on account of  
important business on motion of Sen-  
ator Parkhouse.

Senator Owen was granted leave of  
absence for today on account of im-  
portant business on motion of Sen-  
ator Herring.

#### Reports of Standing Committees

Senator Kazen submitted the fol-  
lowing reports:

Austin, Texas,  
March 4, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 11, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

KAZEN, Chairman.

Austin, Texas,  
March 4, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 19, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

KAZEN, Chairman.

Senator Moffett submitted the following reports:

Austin, Texas,  
March 4, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to whom was referred H. B. No. 151, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,  
March 4, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to whom was referred H. B. No. 38, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,  
March 4, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to whom was referred H. B. No. 78, have had the same under consideration, and we are

instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,  
March 4, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to whom was referred H. B. No. 184, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,  
March 4, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to whom was referred H. B. No. 187, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

#### Senate Resolution 149

Senator Smith offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mr. Chas. A. Guy; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Smith by unanimous consent presented Mr. Guy to the Members of the Senate.

#### Senate Resolution 150

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate the following prominent citizens of North Texas: Mr. and Mrs. T. H. Eckelkamp and children, Mrs. Ruth Gard, Messrs.

Terry Brogdon, Ed Foster, Carl Moeller, Frank Krajka, Gene Stephens, Leroy Wilkins, Bob Seabury, Pete Yancey, Milam J. Vaughn, Loys Barbour, and David Clinton, all of Wichita County, Mr. and Mrs. W. R. Smith of Wilbarger County, Miss Mary Bradshaw, Messrs. Jack Atwood, Troy Lee Shepard, Cecil Larimore, Charlie Gibson, and Hoyle Fitzgerald, all of Young County; and

Whereas, We desire to welcome these distinguished guests to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended an official welcome.

The resolution was read and was adopted.

#### Senate Resolution 151

Senator Kazen offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Porter S. Garner and John W. Ward of Laredo; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Kazen by unanimous consent presented the distinguished guests to the Members of the Senate.

#### Senate Resolution 152

Senator Martin offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate 14 students of the Maypearl High School history class, accompanied by their teacher, Mrs. Viola Brannon; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recog-

nize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Martin by unanimous consent presented the students and teacher to the Members of the Senate.

#### Senate Resolution 153

Senator Krueger offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Junior and Senior Classes of the Crescent High School accompanied by their teacher and sponsor, J. Roy Trant and Jeanette Entricht; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the students, Mr. Trant and Miss Entricht to the Members of the Senate.

#### Reports of Standing Committee

Senator Wood by unanimous consent submitted the following reports:

Austin, Texas,  
March 3, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 6, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass and be not printed, but that the committee substitute passed in lieu thereof do pass and be printed.

WOOD, Chairman.

C. S. S. J. R. No. 6 was read the first time.

Austin, Texas,  
March 3, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 6, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WOOD, Chairman.

#### Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Roberts:

S. B. No. 265, A bill to be entitled "An Act to amend Article 1.10, Texas Insurance Code, to authorize the State Board of Insurance to obtain an injunction in the District Court of Travis County, Texas, against any unlicensed corporation, association, partnership, company, firm or person to prevent the violation of any of the Texas insurance laws; providing for severability; making the Act cumulative; and declaring an emergency."

To the Committee on Insurance.

By Senator Roberts:

S. B. No. 266, A bill to be entitled "An Act amending Sections 2, 3 and 7 of Article 21.07, Texas Insurance Code, to provide that agents licenses shall expire one year from the date of issue, and that an insurance company appointment of such agent will continue in effect until withdrawn and terminated by the company; amending Sections 8 and 9 of Article 21.07-1, Texas Insurance Code, to provide that an insurance company appointment of a legal reserve life insurance agent shall continue in effect until terminated and withdrawn by the company; amending Sections 8 and 12 of Article 21.14, Texas Insurance Code, to provide that local recording agents and solicitors licenses shall expire one year from date of issue, and providing for appointment of local recording agents by companies; and declaring an emergency."

To the Committee on Insurance.

By Senator Herring:

S. B. No. 267, A bill to be entitled

"An Act authorizing a special program for pre-school children who have a hearing loss; providing for instructional units; providing for financing; requiring Central Education Agency to develop program and establish certification standards for teachers in such program; providing for a severability or savings clause; and declaring an emergency."

To the Committee on Education.

By Senator Herring:

S. B. No. 268, A bill to be entitled "An Act defining the term dental technician and dental laboratory; providing that the State Board of Dental Examiners shall administer the provisions of this Act; providing for an Advisory Board; providing for names to be submitted to the Board; prohibiting certain persons from serving on the Advisory Board; providing it shall be unlawful for persons, dental technicians, or dental laboratories to act as such without complying with the provisions of this Act; providing for prescriptions as a prerequisite to authority; providing for the keeping of prescription records and permitting farm-out work to proper persons; providing for application for registration for dental technicians and dental laboratories and the owners and managers thereof; providing for the exemption and permitting registration of dental technicians and the owners and managers of dental laboratories within ninety days after the effective date of this Act; providing for annual registration and annual registration fees of dental technicians and owners and managers of dental laboratories; providing that the lack of the required certificate or its display as required by this Act shall subject such person to penalties provided by this Act; providing for reinstatement of delinquent registrants and exemption of registrants on active duty with the Armed Forces of the United States of America; providing for the collection, safekeeping, and disposition of all money collected under this Act; providing for the power to refuse to issue or renew any certificate issued under this Act; providing for the cancellation or suspension of any certificate issued under this Act; providing for the procedure in suspending or cancelling any certificate under this Act; providing for the power of subpoena of witnesses and records; providing for appeal to the District Court from the ruling of the Board; providing for the keeping

of records of those required to register under this Act; providing for certain exemptions from the provisions of this Act; providing for the inspection of records of dental technicians and dental laboratories; providing for injunction proceedings; providing for a penalty for violating the provisions of this Act; providing for acceptance of accomplice testimony; providing for a repealing clause; providing for a severability clause; declaring legislative intent to protect public health and welfare; and declaring an emergency."

To the Committee on Public Health.

By Senator Baker:

S. B. No. 269, A bill to be entitled "An Act to fix and make certain the amount of compensation to be paid from County funds by Counties having a population of eight hundred thousand or more, according to the last preceding Federal Census, as compensation to District and Criminal District Judges in such Counties, providing the time and method of payment, authorizing amendment of the budget, providing for the compensation of substitute Judges, and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Secrest:

S. B. No. 270, A bill to be entitled "An Act amending Chapter 206, Acts of the 50th Legislature, 1947, as amended, by adding thereto a new Section, 2b, relating to the salaries of investigators and assistants for the Criminal District Attorney of McLennan County; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Secrest:

S. B. No. 271, A bill to be entitled "An Act amending Article 2843, Revised Civil Statutes of Texas 1925, as last amended by Senate Bill 37, Chapter 470, Acts of the 51st Legislature, Regular Session, 1949; and declaring an emergency."

To the Committee on Education.

By Senator Martin:

S. B. No. 272, A bill to be entitled "An Act authorizing state travel regulations; describing officials and employees to whom the regulations ap-

ply; defining the method of travel reimbursement; establishing certain limitations for reimbursement; authorizing the Comptroller to promulgate rules and regulations to facilitate the execution of this act subject to approval by the Attorney General; authorizing transportation by courtesy cards; making the provisions of this act prevail in the event of conflict with the other laws; establishing an effective date of the act; and declaring an emergency."

To the Committee on Finance.

By Senator Martin:

S. B. No. 273, A bill to be entitled "An Act providing for payment of Medical Assistance on behalf of recipients of public assistance; defining terms; designating the State Department of Public Welfare as the State Department to administer the program, to cooperate with the Department of Health, Education and Welfare and to accept and expend moneys from the Federal Government; providing the requirements for receiving Medical Assistance; authorizing the Department to adopt reasonable rules and regulations for administering the program; providing that the amount of Medical Assistance payments out of State funds shall never exceed the amount so expended out of Federal funds; authorizing the Department to determine the method of administration of Medical Assistance by establishing a direct vendor payment program administered by the Department or by an insurance plan or hospital service plan and/or a medical service plan authorized to do business in Texas; prohibiting the payment of Medical Assistance to or on behalf of persons hospitalized in Federal or State institutions; amending Subsection (1) of Section 27 of House Bill No. 611, Chapter 562, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended, by creating a special fund in the Treasury to be known as the 'Medical Assistance Fund'; amending Section 2 of Article XX of Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended, by adding a new Subsection to be known as Subsection (7) and amending Subsection (4-c); providing for the allocation of State funds to the 'Medical Assistance Fund'; making an appropriation for the purpose of paying

Medical Assistance for the period beginning January 1, 1960 and ending August 31, 1961; making an appropriation for the payment of administrative expenses for each year of the biennium beginning September 1, 1959 and ending August 31, 1961; providing a repealing clause, a saving clause, and declaring an emergency."

To the Committee on Finance.

By Senator Gonzalez:

S. B. No. 274, A bill to be entitled "An Act to amend Article 2892, Revised Civil Statutes 1925 as amended by Senate Bill 49, Chapter 160, Acts 44th Legislature, Regular Session, 1935; to amend Article 297, Penal Code of Texas 1925, as last amended by House Bill 652, Acts 46th Legislature, Regular Session, 1939, page 227; to repeal Senate Bill 278, Chapter 88, Acts 49th Legislature, Regular Session, 1945; to repeal House Bill 1054, Chapter 221, Acts 42nd Legislature, Regular Session, Special Laws, page 439—all of which relate to compulsory school age and attendance; providing this Act shall not be construed as amending the exemptions appearing in Article 2893, Revised Civil Statutes of Texas 1925, as last amended; and declaring an emergency."

To the Committee on Education.

By Senator Gonzalez:

S. B. No. 275, A bill to be entitled "An Act to provide a remedy for persons convicted and imprisoned in the penitentiary, who assert that rights guaranteed to them by the Constitution of the United States or of the State of Texas, or both, have been denied in the proceedings in which they were convicted, or who assert that their conviction was based, in whole or in part, on false or untrue testimony regarding either the issue of guilt or punishment, regardless of whether or not such false or untrue testimony was unintentionally given, and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Krueger:

S. B. No. 276, A bill to be entitled "An Act creating the Lavaca County Flood Control District No. 3 in Lavaca County, Texas; defining its powers; providing for confirmation of the District; providing for a governing body of the District: its membership,

qualifications for membership, manner of conducting business, meetings and compensation of members; providing that the District shall succeed to all properties, (excluding monies on hand) and contracts of certain flood control districts; granting power of eminent domain and prescribing the manner of its exercise; authorizing the District to levy a tax and providing for an election to authorize the tax; for collection of taxes; providing for the filing of petitions for the issuance of bonds, notices and hearing thereon, and election therefor; limiting the tax rate in support of bonds voted; providing for the issuance of bonds and manner and form thereof and the procedure in connection with the issuance, registration, approval and sale thereof; providing a severability clause; validating the creation of certain flood control districts and acts done by them and on their behalf; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

To the Committee on Water and Conservation.

#### Message from the House

Hall of the House of Representatives  
Austin, Texas,  
March 4, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 52, An Act transferring criminal jurisdiction in misdemeanor cases from Ellis County District Court to County Court of Ellis County, Texas; providing for the transfer as to pending cases and the enforcement of judgments heretofore rendered; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Concurrent Resolution 23

Senator Moffett offered the following resolution:

S. C. R. No. 23, Relating to the acceptance of a statue of Sam Houston.

Whereas, Sam Houston, one of the most illustrious figures of Texas history, served his chosen land as Commander-in-Chief of Texas forces at

the Battle of San Jacinto; was twice elected President of the Republic of Texas; served as a Representative in the Fourth and Fifth Congresses of the Republic of Texas; was United States Senator from Texas for over thirteen years; was thereafter elected Governor of Texas; and

Whereas, The Grand Lodge of Texas, Ancient Free and Accepted Masons, has had a statue of Sam Houston executed by the eminent sculptor, Raoul Jean Josset, for the Memorial Temple of the Grand Lodge in recognition of the outstanding contributions to this organization by its distinguished member, Sam Houston; and

Whereas, The Grand Lodge of Texas, Ancient Free and Accepted Masons, has generously proposed to present to the State of Texas a duplicate of the above mentioned statue; and

Whereas, The Texas Archives and Library Building, soon to be erected, is an appropriate place for the location of this statue of one of the towering personalities of Texas history; now, therefore, be it

Resolved, by the Senate of the Fifty-sixth Legislature of Texas, the House of Representatives concurring, That this magnificent gift be accepted by the State of Texas and that appropriate ceremonies be arranged by the Governor, Lieutenant Governor and Speaker of the House of Representatives for acceptance of the statue; and be it further

Resolved, That the appreciation of the people of this state be extended to The Grand Lodge of Texas, Ancient Free and Accepted Masons, and that a copy of this resolution be sent to the Grand Master of said Grand Lodge.

MOFFETT  
BAKER  
AIKIN  
MARTIN  
ROGERS  
SECREST  
SMITH  
LANE  
WOOD  
ROBERTS  
DIES  
HARDEMAN  
HUDSON  
WILLIS  
PHILLIPS  
WEINERT  
PARKHOUSE

The resolution was read.

On motion of Senator Moffett and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Resolution 154

Senator Willis offered the following resolution:

Whereas, The Governor of Texas, on March 2, 1959, by official proclamation, has designated March 6, 1959 as STATE SONG DAY in Texas; and

Whereas, TEXAS, OUR TEXAS was chosen as an appropriate State Song by a special committee of 15 prominent Texans who were appointed by the Governor Pat M. Neff in 1924. From more than 300 songs submitted, the committee's selection filled all the requirements of patriotic lyrics and original, inspiring music; and

Whereas, TEXAS, OUR TEXAS, written by Gladys Yoakum Wright and William J. Marsh, was submitted to the Legislature as worthy of adoption as Official State Song. After a similar contest was held in each of the 31 Senatorial districts under the direction of Senator Margie Neal, TEXAS, OUR TEXAS was again selected, and the Legislature in 1929 approved the choice; and

Whereas, The words to the song have been changed only once in 30 years. Since Alaska was admitted to the Union, the word "boldest" was substituted for "largest" by Mr. Marsh; and

Whereas, As a part of the Texas Historical Period extending from March 2 through April 21, the Texas State Song Association is encouraging people throughout the State to give special recognition to TEXAS, OUR TEXAS. The new arrangement will be featured in the All City Orchestra Concert in Dallas March 6, on radio and television and by the Moslah Temple Shrine Chanters, Bands of Texas Christian University, Southern Methodist University, and high schools in Dallas, Fort Worth and other cities will also play the song during the observance; now, therefore be it

Resolved, That the Lieutenant Governor appoint a Committee of five (5) Senators to make arrangements, and play a recording of TEXAS, OUR TEXAS to the State Senate while it is in Session on March 5, 1959.

The resolution was read.

On motion of Senator Willis the resolution was considered immediately and was adopted.

Accordingly, the President Pro Tempore announced the appointment of the following as a committee on arrangements: Senators Willis, Hudson, Herring, Hazlewood and Ratliff.

#### Senate Resolution 155

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Senior Government Class of St. Mary's Academy, Austin, Texas, accompanied by their teachers, Sister Puritas and Sister Odelia; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and teachers to the Members of the Senate.

#### House Bill 119 Postponed

On motion of Senator Ratliff and by unanimous consent H. B. No. 119 was postponed until Wednesday, March 11, 1959, following The Morning Call.

#### Senate Bill 218 on Second Reading

Senator Gonzalez moved that Senate Rules 116, 13 and 38 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 218 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin

Baker

Bradshaw  
Colson  
Crump  
Dies  
Fly  
Gonzalez  
Hardeman  
Hazlewood  
Herring  
Hudson  
Kazen  
Krueger  
Lane

Martin  
Moffett  
Parkhouse  
Phillips  
Ratliff  
Reagan  
Roberts  
Rogers  
Secrest  
Smith  
Weinert  
Willis  
Wood

Absent

Moore

Absent—Excused

Fuller

Owen

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 218, A bill to be entitled "An Act amending Acts of 1941, Forty-seventh Legislature, Chapter 105, Page 134, as amended (Vernon's Texas Civil Statutes, Article 6243f); amending Section 1 thereof, as amended, by providing for the creation of a Fireman and Policemen's Pension Fund and a permanent pension system in incorporated cities having a fully paid Fire and Police Department when such cities once have a population of more than 350,000 and less than 430,000 inhabitants, according to the last preceding Federal Census or any future Federal census; and by changing the name of board of trustees and the requirements of eligibility for membership of service members of board of trustees; and providing for their election without appointment by governing body of city; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 218 on Third Reading

Senator Gonzalez moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 218 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin

Baker



Bradshaw	Martin
Colson	Moffett
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzales	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent

Moore

Absent—Excused

Fuller

Owen

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent

Moore

Absent—Excused

Fuller

Owen

**Message from the House**

Hall of the House of Representatives  
Austin, Texas,  
March 4, 1959,

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 29, An Act creating the Commission on Organization of the Executive Branch of the Government

to promote economy, efficiency, and improve services in the transaction of the public business; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Senate Bill 256 on Second Reading**

Senator Dies moved that Senate Rules 116, 13 and 38 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 256 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Fuller

Owen

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 256, A bill to be entitled "An Act authorizing the Commissioners Court of Newton, Sabine, Jasper and San Augustine Counties, Texas, to pay the District Judge of the 1st Judicial District compensation in addition to the compensation paid by the State of Texas; making other provisions relating thereto; providing for a severability clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 256 on Third Reading**

Senator Dies moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that

S. B. No. 256 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Nays—1**

Hardeman

**Absent—Excused**

Fuller

Owen

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzales	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Nays—1**

Hardeman

**Absent—Excused**

Fuller

Owen

**Senate Bill 89 on Second Reading**

Senator Reagan moved that Senate Rules 116, and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No.

89 be taken up for consideration at this time.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

**Absent—Excused**

Fuller

Owen

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 89, A bill to be entitled "An Act authorizing consolidated independent school districts whose names are unduly long to omit the word 'consolidated' from their names; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 89 on Third Reading**

Senator Reagan moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 89 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Kazen
Baker	Krueger
Bradshaw	Lane
Colson	Martin
Crump	Moffett
Dies	Moore
Fly	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers

Secrest  
Smith  
Weinert

Willis  
Wood

Absent—Excused

Fuller

Owen

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Fuller

Owen

#### Senate Bill 48 on Second Reading

Senator Smith moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 48 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzales	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Fuller

Owen

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 48, A bill to be entitled "An Act establishing the Andrews County Juvenile Board; prescribing its membership and powers and providing for compensation of its members; repealing conflicting laws; providing for severability; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 48 on Third Reading

Senator Smith moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 48 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Fuller

Owen

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Herring
Baker	Hudson
Bradshaw	Kazen
Colson	Krueger
Crump	Lane
Dies	Martin
Fly	Moffett
Gonzalez	Moore
Hardeman	Parkhouse
Hazlewood	Phillips

Ratliff	Smith
Reagan	Weinert
Roberts	Willis
Rogers	Wood
Secrest	

Absent—Excused

Fuller Owen

**Senate Bill 154 on Second Reading**

Senator Fly moved that Senate Rules 116, 13 and 38 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 154 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Fuller Owen

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 154, A bill to be entitled "An Act amending H. B. No. 67, Chapter 30, Acts of the Forty-third Legislature at its Fourth Called Session, 1934, by amending Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9, and adding an emergency clause so as to permit any city located on the Gulf of Mexico, or on any channel, canal, bay or inlet connected with the Gulf of Mexico, to build, acquire, purchase, take over, construct, enlarge, extend, repair, maintain, improve, replace, develop, regulate, operate, lease, mortgage and encumber their harbors, ports, or navigational facilities in connection therewith or any aids thereto, including but not limited to certain items and things; etc.; and declaring an emergency."

The bill was read the second time.

Senator Fly offered the following committee amendment to the bill:

Amend Section 1 of Senate Bill 154 by inserting the following phrase between the words "city" and "located" appearing in the second line, page 2, of said bill:

"having a population of not more than twelve thousand (12,000) according to the last preceding United States census, and"

The committee amendment was adopted.

Senator Fly offered the following committee amendment to the bill:

Amend the caption to Senate Bill 154 by inserting the following phrase between the words "city" and "located" appearing in the fifth line thereof:

"having a population of not more than twelve thousand (12,000) according to the last preceding United States census, and"

The committee amendment was adopted.

The bill as amended was passed to engrossment.

**Senate Bill 154 on Third Reading**

Senator Fly moved that Senate Rules 32 and the constitutional rule requiring bills to be read in three several days be suspended and that S. B. No. 154 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Fuller Owen

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

## Absent—Excused

Fuller Owen

## Senate Bill 75 on Second Reading

Senator Hardeman moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 75 be taken up for consideration at this time.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

## Nays—1

Baker

## Absent—Excused

Fuller Owen

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 75, A bill to be entitled "An Act to amend Article 6066 of the Revised Civil Statutes of Texas of 1925; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 75 on Third Reading

Senator Hardeman moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 75 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

## Absent—Excused

Fuller Owen

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

## Absent—Excused

Fuller Owen

**Senate Bill 136 on Second Reading**

Senator Lane moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 136 be taken up for consideration at this time.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Nays—1**

Dies

**Absent—Excused**

Fuller

Owen

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 136, A bill to be entitled "An Act amending Article 1360, Revised Civil Statutes of Texas, 1925, by adding thereto a provision making it lawful for surplus lands to be conveyed to a corporation authorized to develop such lands and also providing that such lands shall be conveyed by any such acquiring corporation on or before the same time the conveying corporation otherwise would have had to convey the same; repealing all laws in conflict to the extent of such conflict only; containing a severability clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 136 on Third Reading**

Senator Lane moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 136 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Nays—1**

Fly

**Absent—Excused**

Fuller

Owen

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Vote**

Senator Dies asked to be recorded as voting "Nay" on the final passage of S. B. No. 136.

**Message from the House**

Hall of the House of Representatives  
Austin, Texas,  
March 4, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 106, A bill to be entitled "An Act authorizing the Commissioners Court of each County to provide for paid vacations, holidays and sick leave, and to provide for deductions for absences, for employees working under the Commissioners Court or its appointees or under a County Commissioner or his appointees; stating the effect of this Act on existing laws; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

**Senate Bill 160 on Second Reading**

Senator Herring moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 160

be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—1

Hardeman

Absent—Excused

Fuller

Owen

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 160, A bill to be entitled "An Act authorizing the Commissioners Court of Travis County, Texas, to pay the District Judges of the 53rd Judicial District, 98th Judicial District, 126th Judicial District, and the Criminal District Court of Travis County, respectively, compensation in addition to the compensation paid by the State of Texas; making other provisions relating thereto; making provision for compensation of Judges assigned to sit for the Judges of said courts; providing for severability; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 160 on Third Reading

Senator Herring moved that Senate Rules 32 and constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 160 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Dies
Baker	Fly
Bradshaw	Gonzalez
Colson	Hazlewood
Crump	Herring

Hudson	Ratliff
Kazen	Reagan
Krueger	Roberts
Lane	Rogers
Martin	Secrest
Moffett	Smith
Moore	Weinert
Parkhouse	Willis
Phillips	Wood

Nays—1

Hardeman

Absent—Excused

Fuller

Owen

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—1

Hardeman

Absent—Excused

Fuller

Owen

#### Senate Bill 209 on Second Reading

Senator Roberts moved that Senate Rules 116, 13, and 38 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 209 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hazlewood
Baker	Herring
Bradshaw	Hudson
Colson	Kazen
Crump	Krueger
Dies	Lane
Fly	Martin
Gonzalez	Moffett
Hardeman	Moore

Parkhouse	Secrest
Phillips	Smith
Ratliff	Weinert
Reagan	Willis
Roberts	Wood
Rogers	

Absent—Excused

Fuller	Owen
--------	------

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 209, A bill to be entitled "An Act relating to manufacture and sale of bedding; amending Section 2 and Section 5 of Senate Bill No. 200, General Laws of the Forty-sixth Legislature, Regular Session, page 376, as amended, which pertain to the labeling of bedding and registration for selling bedding and enforcement provisions; repealing all laws in conflict with the Act; providing a saving clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 209 on Third Reading

Senator Roberts moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 209 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Fuller	Owen
--------	------

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Resolution 156

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Messrs. Laake, Lomat, Winters, Talley, and Crow; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez, by unanimous consent presented the distinguished guests to the Members of the Senate.

#### Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,  
March 4, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 269, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

#### Senate Bill on First Reading

By unanimous consent the following bill was introduced, read first time and referred to the Committee indicated:

By Senator Hazlewood:

S. B. No. 277, A bill to be entitled "An Act setting up health standards for milk produced outside the State of Texas and imported to points within; and requiring that persons authorizing the importation of such milk certify that such milk is produced under equivalent standards for the production of milk in Texas; providing for penalties; and declaring an emergency."

To the Committee on Agriculture and Livestock.

#### Adjournment

On motion of Senator Hardeman the Senate at 11:50 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.



**In Memory of**  
**Captain R. H. Burks**

---

Senator Willis offered the following resolution:

(Senate Resolution 157)

Whereas, On the thirteenth day of February in the Year of Our Lord, Nineteen Hundred Fifty-nine, Almighty God, in His Infinite Wisdom, did call to His Heavenly Reward, Captain R. H. Burks, of Tarrant County, Texas; and

Whereas, Captain Burks was born September 6, 1902, in Cherokee County, Texas. He moved to Fort Worth as a boy and attended the Fort Worth Public Schools. He joined the Fort Worth Police Department in 1926 and served in practically every job on the Police Force until October, 1953, when he accepted the challenge to help Fort Worth children as head of the Youth Activity Division of the Greater Fort Worth Police Department; and

Whereas, Captain Burks was endowed with a sympathetic understanding for boys and girls in trouble and practiced in his work the philosophy of the great Will Rogers who said: "There never was a bad child." His great understanding and love for children caused him to give unstintingly of his time and talents, indeed his very life, in the service of finding creative outlets for the misdirected energies of youth. He was directly responsible for securing gainful employment and helping many boys and girls get back on the road to useful citizenship. His contributions to children, parents and citizens cannot be recorded in mere words. Posterity alone can evaluate the services he rendered in terms of useful lives that will be led by the boys and girls he helped; and

Whereas, Captain Burks gave freely of his time to his Church, Community and State. He was an active member of Central Methodist Church, Past-President of the Fort Worth Benevolent Association, Director of the Texas Municipal Peace Officers' Association, and the Texas Juvenile Officers' Association; and

Whereas, It is the desire of the Senate to pay tribute and respect to the memory of this distinguished citizen and police officer, whose constructive influence will live in the lives of all of the boys and girls he helped; now, therefore, be it

Resolved, by the Senate of Texas, That we extend our sincere sympathy to the family of Captain R. H. Burks; that a copy of this resolution be sent to each member of his family; that a page in today's Senate Journal be devoted to his memory; and that when the Senate adjourns today, it do so in honor of Captain R. H. Burks.

The resolution was read and was adopted by a rising vote of the Senate.